

<p style="text-align: center;">1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA</p> <p>STATE OF TEXAS, ) Plaintiff, )  ) V. )  ) ERIC H. HOLDER, JR., ) in his official capacity ) as Attorney General of ) the United States, ) Defendant. )  ) ERIC KENNIE, et al., ) Defendant-Intervenors, )  ) TEXAS STATE CONFERENCE ) CASE NO. 1:12-CV-00128 OF NAACP BRANCHES, et al., ) (RMC-DST-RLW) Defendant-intervenors, ) Three-Judge Court  ) TEXAS LEAGUE OF YOUNG ) VOTERS EDUCATION FUND, et al., ) Defendant-Intervenors, )  ) TEXAS LEGISLATIVE BLACK ) CAUCUS, et al., ) Defendant-Intervenors, )  ) VICTORIA RODRIGUEZ, et al., ) Defendant-Intervenors. )</p> <p style="text-align: center;">ORAL DEPOSITION OF LETICIA ANN SALAZAR JUNE 14, 2012</p> <p>ORAL DEPOSITION OF LETICIA ANN SALAZAR, produced as a witness at the instance of the Defendant-Intervenors, and duly sworn, was taken in the above-styled and numbered cause on the 14th day June, 2012, from 9:36 a.m. to 12:31 p.m., before Amy C. Kofron, CSR in and for the State of Texas, reported by machine shorthand, at the offices of Dechert, 300 West 6th Street, Austin, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">INDEX</p> <p>1</p> <p>2</p> <p>3 Appearances. . . . . 2</p> <p>4 LETICIA ANN SALAZAR</p> <p>5 Examination by Mr. Vandewalker. . . 4</p> <p>6 Examination by Ms. Westfall. . . 49</p> <p>7 Signature and Changes. . . 64</p> <p>8 Reporter's Certificate. . . 66</p> <p>9</p> <p>10</p> <p>11 EXHIBITS</p> <p>12 NO. DESCRIPTION PAGE</p> <p>13 1 Request for Proposal 11</p> <p>14 2 Account Tracking 15</p> <p>15 3 Affidavit of Keith Ingram 29</p> <p>16 4 Fiscal Note 33</p> <p>17 5 Burson-Marsteller document 42</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: center;">2</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>1</p> <p>2</p> <p>3 FOR THE PLAINTIFF:</p> <p>4 Mr. Reynolds Brissenden</p> <p>5 OFFICE OF THE ATTORNEY GENERAL OF TEXAS</p> <p>6 P.O. Box 12548</p> <p>7 Austin, Texas 78711-2548</p> <p>8</p> <p>9 FOR THE DEFENDANT:</p> <p>10 Ms. Elizabeth Westfall</p> <p>11 Ms. Michelle McLeod</p> <p>12 U.S. DEPARTMENT OF JUSTICE</p> <p>13 950 Pennsylvania Avenue NW</p> <p>14 NWB Room 7203</p> <p>15 Washington, DC 20530</p> <p>16</p> <p>17 FOR THE DEFENDANT-INTERVENORS, TEXAS</p> <p>18 STATE CONFERENCE OF NAACP BRANCHES AND</p> <p>19 MEXICAN AMERICAN LEGAL CAUCUS:</p> <p>20 Mr. Vandewalker, via phone</p> <p>21 Ms. Myrna Perez, via phone</p> <p>22 THE BRENNAN CENTER FOR JUSTICE</p> <p>23 AT NYU LAW SCHOOL</p> <p>24 161 Avenue of the Americas, Floor 12</p> <p>25 New York, New York 10013-1205</p> <p>Also Present:</p> <p>Ms. Lindsey Stencil</p> <p>Mr. Nick Riley, via phone</p>	<p style="text-align: center;">4</p> <p>1 LETICIA ANN SALAZAR,</p> <p>2 having been first duly sworn, testified as follows:</p> <p>3 EXAMINATION</p> <p>4 BY MR. VANDEWALKER:</p> <p>5 Q. Good morning, Ms. Salazar. My name is Ian</p> <p>6 Vandewalker. As you just heard, I represent</p> <p>7 defendant-intervenors in this matter. And we -- I thank you for</p> <p>8 coming in today, especially on short notice, and I also thank</p> <p>9 you in advance for your patience with us as we're on the phone.</p> <p>10 The travel arrangements didn't work out, and so, you know, there</p> <p>11 may be some slight logistical hiccups with us being on the</p> <p>12 phone. I apologize for that.</p> <p>13 A. Okay.</p> <p>14 Q. Could you just, for the record, please -- you may have</p> <p>15 already done this, but just to be sure, state and spell your</p> <p>16 full name.</p> <p>17 A. Leticia Ann Salazar, L-e-t-i-c-i-a, A-n-n,</p> <p>18 S-a-l-a-z-a-r.</p> <p>19 Q. Thank you. And are you represented by counsel today?</p> <p>20 A. Yes.</p> <p>21 Q. And who's your attorney?</p> <p>22 A. Reynolds.</p> <p>23 Q. Could you -- just could we get the full name, please.</p> <p>24 THE WITNESS: I'm sorry. I don't --</p> <p>25 MR. BRISSENDEN: Reynolds Brissenden from the</p>



<p style="text-align: center;">5</p> <p>1 Texas Attorney General's office.</p> <p>2 MR. VANDEWALKER: Thank you.</p> <p>3 Q. And, Ms. Salazar, who's your current employer?</p> <p>4 A. The Office of the Secretary of State.</p> <p>5 Q. Have you ever been deposed before?</p> <p>6 A. No.</p> <p>7 Q. Okay. So I'm going to give you some ground rules and</p> <p>8 instructions that will hopefully make this go as smoothly as</p> <p>9 possible.</p> <p>10 A. Okay.</p> <p>11 Q. You're under oath and required to answer all questions</p> <p>12 truthfully and to the best of your knowledge. Do you understand</p> <p>13 that?</p> <p>14 A. Yes.</p> <p>15 Q. If you don't fully hear a question, especially with</p> <p>16 this phone situation, please ask me to repeat it. Will you do</p> <p>17 that?</p> <p>18 A. Yes.</p> <p>19 Q. If you don't understand a question, please tell me so.</p> <p>20 Will you do that?</p> <p>21 A. Yes.</p> <p>22 Q. Also, please wait for me to complete my question</p> <p>23 before you start to answer so we don't talk over each other and</p> <p>24 give the court reporter a headache. Will you do that?</p> <p>25 A. Yes.</p>	<p style="text-align: center;">7</p> <p>1 documents that we're talking about?</p> <p>2 A. About four or five.</p> <p>3 Q. Okay. Thank you.</p> <p>4 How long have you worked for the Texas Secretary of</p> <p>5 State's office?</p> <p>6 A. I started there in '98, so going on 14 years.</p> <p>7 Q. And have you always had the same title during that</p> <p>8 time?</p> <p>9 A. No.</p> <p>10 Q. Okay. How long have you had -- well, what is your</p> <p>11 current title?</p> <p>12 A. I am a program coordinator/meeting planner.</p> <p>13 Q. And how long have you had that title?</p> <p>14 A. Since 2002, ten years.</p> <p>15 Q. Okay. Thank you.</p> <p>16 And what's your official duties in that position?</p> <p>17 A. I plan all conferences for the Elections division. I</p> <p>18 plan the election night returns for -- during the elections,</p> <p>19 communicate with media subscribers for ENR. I do the</p> <p>20 legislative tracking during session, and I assist with creating</p> <p>21 the training materials for election officials.</p> <p>22 Q. Okay. You used the term ENR. What does that mean?</p> <p>23 A. I'm sorry. Election night returns.</p> <p>24 Q. Oh, okay. Sure. Thank you.</p> <p>25 Do you -- are you also involved in the Secretary of</p>
<p style="text-align: center;">6</p> <p>1 Q. And you'll probably automatically do this because I am</p> <p>2 on the phone, but please answer all questions verbally rather</p> <p>3 than with gestures. Will you do that?</p> <p>4 A. Yes.</p> <p>5 Q. Are you taking any medication that would prevent you</p> <p>6 from giving true and accurate answers today?</p> <p>7 A. No.</p> <p>8 Q. Is there any other circumstance that you're aware of</p> <p>9 that would prevent you from giving true and accurate answers</p> <p>10 today?</p> <p>11 A. No.</p> <p>12 Q. Thank you.</p> <p>13 Did you do anything to prepare for today's deposition?</p> <p>14 A. I spoke with Reynolds and just went over --</p> <p>15 MR. BRISSENDEN: Don't disclose what we</p> <p>16 discussed.</p> <p>17 Q. I'm sorry. I don't know if the phone cut off. I</p> <p>18 heard that you went over, and then I didn't hear any more.</p> <p>19 A. I just spoke with Reynolds.</p> <p>20 Q. Okay. And when did you talk to Reynolds?</p> <p>21 A. Yesterday.</p> <p>22 Q. Okay. Did you review any documents to prepare for</p> <p>23 today's deposition?</p> <p>24 A. Only the documents that I handed over.</p> <p>25 Q. Okay. Do you know how -- like about how many</p>	<p style="text-align: center;">8</p> <p>1 State's voter education initiative?</p> <p>2 A. Yes.</p> <p>3 Q. And what generally are your responsibilities with</p> <p>4 respect to voter education?</p> <p>5 A. Um, I review items that our legal department creates</p> <p>6 and get things posted to the web site, assist with reviewing,</p> <p>7 um, all of the materials and implementing them in whatever way</p> <p>8 is necessary.</p> <p>9 Q. Okay. What about, um, the training of election</p> <p>10 workers that the Secretary of State does; are you involved in</p> <p>11 that?</p> <p>12 A. Yes.</p> <p>13 Q. And what generally do you do with respect to training</p> <p>14 election workers?</p> <p>15 A. We have an online training program that I oversee. So</p> <p>16 our legal department provides the content, and I just ensure</p> <p>17 that the information gets posted online properly and communicate</p> <p>18 with the election officials when the training is available and</p> <p>19 how they go about logging in, the logistics of it.</p> <p>20 Q. Right. Okay. Thank you.</p> <p>21 Does the Secretary of State's office have plans to</p> <p>22 carry out statewide voter education initiatives in 2012?</p> <p>23 A. We will if the -- if it's precleared, yes.</p> <p>24 Q. Well, I'm talking generally about voter -- all -- any</p> <p>25 voter education, not specific to the issues in this lawsuit, but</p>



9

1 just voter education generally. Is there a plan to carry out  
 2 voter education in 2012?  
 3 A. Yes.  
 4 Q. Okay. Does the Secretary of State carry out voter  
 5 education initiatives in every election year?  
 6 A. Every even-numbered year.  
 7 Q. Okay. Every even-numbered year.  
 8 And generally, what is the purpose of these regularly,  
 9 every-even-numbered-year voter education initiatives?  
 10 A. And if I may, I need to go back. We educate them  
 11 every election year, but the even-numbered years is when we go  
 12 out with the strong media output.  
 13 Q. I see. Thank you.  
 14 And so what would you say the goals of these  
 15 voter education initiatives are?  
 16 A. Um, ensuring that the voters know how to cast a ballot  
 17 properly, what their rights are, information on voting systems  
 18 and how to register.  
 19 Q. Is the Make Your Mark on Texas voter education plan  
 20 the voter education initiative for this year?  
 21 A. Yes.  
 22 Q. Is this plan -- would you say it's different in any  
 23 significant way than voter education initiatives that the  
 24 Secretary of State has done in past even-numbered years?  
 25 MR. BRISSENDEN: Objection, vague.

10

1 You may answer.  
 2 A. No.  
 3 Q. Are there any other -- other than "Make Your Mark on  
 4 Texas," are there any other statewide voter education  
 5 initiatives planned for 2012?  
 6 A. Yes. We have our -- well, voter education -- yes,  
 7 that's -- that's all that we have. I'm sorry.  
 8 Q. Okay. So Make Your Mark on Texas is the only voter  
 9 education initiative for 2012; is that right?  
 10 A. Yes.  
 11 Q. Okay. And did an outside vendor design Make Your Mark  
 12 on Texas?  
 13 A. Yes.  
 14 Q. How did the Secretary of State's office select the  
 15 vendor to design Make Your Mark on Texas?  
 16 A. Well, our office sent out an RFP, and there were, I  
 17 believe, five or six companies that sent a response. And then a  
 18 group of us selected three -- the top three. And then the top  
 19 three came and provided an oral presentation.  
 20 Q. Okay. If I can ask -- and this is where the logistics  
 21 of being on the phone get a little complicated -- Ms. Stelcen to  
 22 enter as an exhibit for us Request -- a document that's titled  
 23 Request for Proposal No. 12111.  
 24 MS. STELCEN: Okay. I'm handing it to the court  
 25 reporter to mark. What do you want this --

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1 MR. VANDEWALKER: Thank --  
 2 MS. STELCEN: -- marked as, Ian?  
 3 MR. VANDEWALKER: Yeah. Salazar 1 is fine with  
 4 us, if that works for everyone there.  
 5 (Exhibit No. 1 marked)  
 6 MR. BRISSENDEN: Thank you.  
 7 MS. STELCEN: All right. I'm placing it in front  
 8 of the witness right now.  
 9 MR. VANDEWALKER: Thank you.  
 10 Q. Ms. Salazar, is this the RFP that you referred to?  
 11 A. Yes.  
 12 Q. Who drafted this RFP?  
 13 A. I believe it was a joint effort with our then-Director  
 14 of Communications and general counsel and the purchasing agent.  
 15 Q. And who was the Director of Communications at the  
 16 time?  
 17 A. At the time, it was Randall Dillard.  
 18 Q. And who was the general counsel at the time?  
 19 A. John Sepehri.  
 20 Q. And who was the managing agent at the time?  
 21 A. Mary Jon Urban.  
 22 Q. Thank you.  
 23 Do you know when this RFP was drafted?  
 24 A. No.  
 25 Q. Do you know when it was issued?

12

1 A. No.  
 2 Q. And you said that you received about five or six  
 3 proposals. Do -- did you -- you were part of the team that  
 4 reviewed those proposals; is that correct?  
 5 A. Yes.  
 6 Q. What were the criteria that were used to select the  
 7 finalists on those proposals?  
 8 A. At the time, Senate Bill 14, being able to educate  
 9 voters on Senate Bill 14, the MOVE Act, along with the general  
 10 what we always do with casting a ballot, informing the voters on  
 11 the voting systems. And that was -- and basically how they  
 12 utilize the money in the best way.  
 13 Q. Do you recall if any of the proposals specifically  
 14 included plans designed to target African American communities?  
 15 A. I don't remember.  
 16 Q. What about plans to -- designed to target Spanish  
 17 speaking communities?  
 18 A. Yes, that was -- that was part of it.  
 19 Q. And by part of it, do you mean that those --  
 20 the proposals that you received covered those things, covered  
 21 Spanish speaking communities?  
 22 A. I'm embarrassed to say that I really don't remember.  
 23 Q. Well, that's okay. If you don't remember, you don't  
 24 remember. It's -- you know, memory is what it is.  
 25 In the decision-making process to select the finalists



<p style="text-align: center;">13</p> <p>1 and select the ultimate vendor, how important was it to the team</p> <p>2 that the proposals involve efforts to reach out to minority</p> <p>3 communities?</p> <p>4 MR. BRISSENDEN: Objection, vague.</p> <p>5 You may answer.</p> <p>6 THE WITNESS: Do I answer?</p> <p>7 A. It was important, yes.</p> <p>8 Q. Did it -- did you assign a certain number of points to</p> <p>9 it in the selection process?</p> <p>10 A. There was a points system. I do not remember how or</p> <p>11 what the content of that document was.</p> <p>12 Q. Let's see. Who made the ultimate -- the -- I'm sorry.</p> <p>13 Which vendor was ultimately selected?</p> <p>14 A. Burson-Marsteller.</p> <p>15 Q. And who made the ultimate decision to select</p> <p>16 Burson-Marsteller?</p> <p>17 A. It was a group of us that scored them, and we chose</p> <p>18 the highest scored company.</p> <p>19 Q. And who was in that group?</p> <p>20 A. Myself, Rich Parsons, John Sepehri, Jordy Keith and</p> <p>21 Louri O'Leary.</p> <p>22 Q. Did any legislators encourage anyone in your office to</p> <p>23 select Burson-Marsteller or another vendor?</p> <p>24 A. No.</p> <p>25 Q. Did anyone from the governor's office encourage your</p>	<p style="text-align: center;">15</p> <p>1 were going -- we knew that media buys were important. We knew</p> <p>2 that the -- you know, TV, radio spots, opposed to, for instance,</p> <p>3 just utilizing what we already have in place and doing something</p> <p>4 completely different, it -- you know, I -- it doesn't make any</p> <p>5 sense.</p> <p>6 Q. Okay.</p> <p>7 MR. VANDEWALKER: And if I could ask Ms. Stelcen</p> <p>8 to find an exhibit. It's Bates No. Texas 298674. The document</p> <p>9 is entitled Secretary of State/State of Texas Account Tracking</p> <p>10 Through March 31, 2012.</p> <p>11 MS. STELCEN: Okay. I'm just asking the court</p> <p>12 reporter to mark this as Salazar 2.</p> <p>13 (Exhibit No. 2 marked)</p> <p>14 MS. STELCEN: Okay. It's in front of the</p> <p>15 witness.</p> <p>16 MR. VANDEWALKER: Thank you.</p> <p>17 Q. Ms. Salazar, have you seen this document before?</p> <p>18 A. No.</p> <p>19 Q. Is this something that you would encounter in your</p> <p>20 duties at the Secretary of State's office?</p> <p>21 A. No.</p> <p>22 Q. Thank you.</p> <p>23 Ms. Salazar, do you know -- setting aside that exhibit</p> <p>24 now, do you know whether any of the money that will pay for the</p> <p>25 Make Your Mark on Texas will come from federal funds?</p>
<p style="text-align: center;">14</p> <p>1 team to select Burson-Marsteller?</p> <p>2 A. No.</p> <p>3 Q. Did anyone from the Lt. Governor's office encourage</p> <p>4 your team to select Burson-Marsteller?</p> <p>5 A. No.</p> <p>6 Q. To your knowledge, does Burson-Marsteller have</p> <p>7 experience specifically targeting non-white or non-Anglo</p> <p>8 communities of voters?</p> <p>9 A. To my knowledge, no.</p> <p>10 Q. Did you participate in the preparation of the fiscal</p> <p>11 note for S.B. 14?</p> <p>12 A. No.</p> <p>13 Q. How much money does the Secretary of State's office</p> <p>14 plan to spend on its Make Your Mark on Texas voter education</p> <p>15 plan?</p> <p>16 A. I'm not part of the budgeting process. I don't know.</p> <p>17 Q. So do you know how much money has been spent so far by</p> <p>18 the Secretary of State's office on the voter education plan?</p> <p>19 A. No, I don't know.</p> <p>20 Q. So earlier you talked about how one of the selection</p> <p>21 criteria for the vendors was how efficiently they would use the</p> <p>22 money that they would get. And I'm wondering how you sort of</p> <p>23 implemented that decision-making if you're not part of the</p> <p>24 budgeting as the plan is being -- itself is being implemented?</p> <p>25 A. Well, comparing what was given to us, you know, if we</p>	<p style="text-align: center;">16</p> <p>1 A. It's all from federal funds.</p> <p>2 Q. And are those funds under the Help America Vote Act or</p> <p>3 HAVA?</p> <p>4 A. Yes.</p> <p>5 Q. Has your office confirmed that HAVA funds can be spent</p> <p>6 on voter education related to photo ID requirements under</p> <p>7 S.B. 14?</p> <p>8 A. Not that I'm aware of.</p> <p>9 Q. Again, thinking about the money budgeted for the Make</p> <p>10 Your Mark on Texas plan, do you know if any money is</p> <p>11 specifically reserved out of that amount for educating voters</p> <p>12 about photo ID requirements under S.B. 14?</p> <p>13 A. Not that I'm aware of.</p> <p>14 Q. Do you know if the Secretary of State has a plan to</p> <p>15 continue educating voters about photo ID requirements regarding</p> <p>16 S.B. 14, if it's precleared, past the 2012 election, after the</p> <p>17 2012 election I mean?</p> <p>18 A. I'm sorry. Can you repeat that?</p> <p>19 Q. Sure. I'm sorry. That was a complicated question. I</p> <p>20 apologize.</p> <p>21 Do you know if the Secretary of State's office has</p> <p>22 plans continuing after the 2012 election to educate voters about</p> <p>23 the photo ID requirements under S.B. 14, if it's precleared?</p> <p>24 A. After the November election?</p> <p>25 Q. That's correct.</p>



17

- 1 A. Yes. We'll continue to educate them, yes.
- 2 Q. And do you know if there's a plan in place as to how
- 3 the Secretary of State will do that?
- 4 A. Not a specific plan, no, but we -- we're ready to go
- 5 with it at any time. We're waiting to find out what we need
- 6 once it's precleared. We need that information first.
- 7 Q. Right. And do you know if there are any amount of
- 8 money budgeted for voter education continuing after the November
- 9 2012 election?
- 10 A. Not that I'm aware of.
- 11 Q. So we've talked a little bit about the Make Your Mark
- 12 on Texas plan and also about voter education specific to
- 13 S.B. 14. I just want to make sure I understand.
- 14 The voter -- the efforts to educate voters about
- 15 the photo ID requirement under S.B. 14, will those be
- 16 implemented under the Make Your Mark on Texas plan?
- 17 A. If it's precleared.
- 18 Q. Right. Yes. Thank you. If it's precleared, yes.
- 19 A. Yes.
- 20 Q. So there won't be any other activities -- and
- 21 I -- that are outside Make Your Mark on Texas that will have to
- 22 do with photo ID requirements if S.B. 14 is precleared?
- 23 A. I don't understand what you mean by outside
- 24 activities.
- 25 Q. I just mean that the Make Your Mark on Texas, is that

18

- 1 the whole plan? Is there anything besides Make Your Mark on
- 2 Texas that would be used to educate voters about photo ID
- 3 requirements if S.B. 14 is precleared?
- 4 A. No, not that I'm aware of.
- 5 Q. What is the Secretary of State going to tell voters
- 6 about the photo ID requirement under S.B. 14, if it's
- 7 precleared?
- 8 A. What --
- 9 MR. BRISSENDEN: Objection, vague, speculation.
- 10 You may answer.
- 11 A. What the new forms of ID are.
- 12 Q. So do you mean the forms of ID that will be accepted
- 13 to allow -- at the polls to allow a voter to vote; is that what
- 14 you mean?
- 15 A. Yes.
- 16 Q. So the plan will inform voters what ID will be
- 17 accepted at the polls on -- if S.B. 14 is precleared.
- 18 Will it inform them of anything else about the photo
- 19 ID requirements under S.B. 14?
- 20 A. Again, we'd have to -- I don't know. We'd have to
- 21 wait to see what we get back.
- 22 Q. And what -- and what do you mean by what you get back?
- 23 A. Back from DOJ once it's precleared. And our legal
- 24 department handles all of that. So I don't know what else would
- 25 be under that.

19

- 1 Q. Is there anything else that as of this moment you're
- 2 preparing to do if S.B. 14 is precleared?
- 3 A. Yes. We're in the middle of preparing to train the
- 4 election officials.
- 5 Q. Okay. But focussing on voter education, is there
- 6 anything else you're preparing to do right now if S.B. 14 is
- 7 precleared?
- 8 MR. BRISSENDEN: Objection, vague.
- 9 A. No, nothing that I'm aware of.
- 10 Q. Will the voter education plan about the photo ID
- 11 requirements under S.B. 14 inform voters of how to get
- 12 acceptable photo ID if they don't currently have one?
- 13 A. Yes.
- 14 Q. And how will it do that?
- 15 A. How will our plan do that?
- 16 Q. Yes.
- 17 A. The plan hasn't been set, but we will go out with
- 18 whatever information that we -- we'll post it on our web site.
- 19 We'll post it on social media. We'll go out with community
- 20 outreach and whatever else we need to do.
- 21 Q. I see.
- 22 But in terms of the content of the messages, what will
- 23 the plan tell voters about how to get acceptable photo ID under
- 24 S.B. 14?
- 25 A. I'm not involved in the creation of it, so I don't

20

- 1 know at this time.
- 2 Q. Who is going to control the creation of the content?
- 3 A. Our legal department.
- 4 Q. And do you -- when you say the legal department, do
- 5 you mean -- is that within the division of elections, or is that
- 6 for the Secretary of State as a whole?
- 7 A. In our Elections division.
- 8 Q. And who is the head of the legal department within the
- 9 Elections division?
- 10 A. Elizabeth Hanshaw Winn.
- 11 Q. Do you know if the efforts to inform voters about
- 12 photo ID, if S.B. 14 is precleared, will talk about where they
- 13 can get acceptable forms of ID?
- 14 A. I would -- yes, I would assume so.
- 15 Q. But have you -- have you seen a plan or proposed
- 16 content that has -- that covers that issue?
- 17 A. Yes. On the back of the voter registration
- 18 certificate, we have the election identification card that's
- 19 available through DPS. We have that information already in
- 20 place.
- 21 Q. And so that would -- am I correct in understanding
- 22 that you mean that that information would tell voters to get an
- 23 identification certificate at a DPS office?
- 24 A. From what I can remember, it just has its -- the
- 25 Department of Public Safety, you can get this specific card



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<p style="text-align: center;">21</p> <p>1 through the Department of Public Safety.</p> <p>2 Q. Okay. And who receives a voter registration</p> <p>3 certificate? Who gets those?</p> <p>4 MR. BRISSENDEN: Objection, vague.</p> <p>5 A. All -- the registered voters.</p> <p>6 Q. So, if someone is already registered, registered years</p> <p>7 ago in Texas, they will receive a voter registration certificate</p> <p>8 this year --</p> <p>9 A. They already have.</p> <p>10 Q. -- is that correct?</p> <p>11 I'm sorry. I spoke over you. What was your answer?</p> <p>12 A. They already have.</p> <p>13 Q. They already have received a voter registration</p> <p>14 certificate in 2012?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. So if I understand you correctly, you send out</p> <p>17 a voter registration certificate to every registered voter every</p> <p>18 year?</p> <p>19 A. It's every two years.</p> <p>20 Q. Every two years. And on the back of this voter</p> <p>21 registration certificate, it says something about how to get an</p> <p>22 election identification certificate; is that correct?</p> <p>23 A. Well, it has -- at the top, it starts with prior to</p> <p>24 federal approval, the following identification will be approved</p> <p>25 at the polling place when you go to vote. And it lists the</p>	<p style="text-align: center;">23</p> <p>1 A. No, I can't.</p> <p>2 Q. Would it be longer than a week?</p> <p>3 A. I'm not sure.</p> <p>4 Q. Would it be longer than a month?</p> <p>5 MR. BRISSENDEN: If you know.</p> <p>6 A. I don't know.</p> <p>7 Q. Okay. And will the web content that we're talking</p> <p>8 about, will that be posted on the VoteTexas.gov web site?</p> <p>9 A. Yes.</p> <p>10 Q. Will it be posted anywhere else?</p> <p>11 A. Yes. We have a Facebook page that we will place it</p> <p>12 there. We'll place it on the Secretary of State's page -- web</p> <p>13 site. And we also have a Twitter account, and we'll send out</p> <p>14 tweets. We also have an app, a smart phone app as well.</p> <p>15 Q. Do you know what percentage of Latinos have internet</p> <p>16 access?</p> <p>17 A. No, I don't.</p> <p>18 Q. Do you know what percentage of African Americans have</p> <p>19 internet access?</p> <p>20 A. No.</p> <p>21 Q. Do you know what percentage of low-income Texans have</p> <p>22 internet access?</p> <p>23 A. No.</p> <p>24 Q. Do you know if Burson-Marsteller has done research on</p> <p>25 those access issues for minorities and low-income Texans?</p>
<p style="text-align: center;">22</p> <p>1 identification pieces under Senate Bill 14.</p> <p>2 Q. What does this notice say about when someone would</p> <p>3 need an election identification certificate?</p> <p>4 A. Well, it lists all of the approved items under Senate</p> <p>5 Bill 14 that you can use to go vote, and the election</p> <p>6 identification certificate is one of them. So they would need</p> <p>7 it when they're at the polling place to vote if they don't have</p> <p>8 any of the other items.</p> <p>9 Q. I see.</p> <p>10 Okay. Thinking now about the plan to educate voters</p> <p>11 about the photo ID requirement under S.B. 14, if it's</p> <p>12 precleared, does that plan depend on the internet?</p> <p>13 A. It's one of the sources that we're going to utilize.</p> <p>14 Q. Have any specific web sites concerning photo ID</p> <p>15 requirements been designed yet?</p> <p>16 A. Concerning Senate Bill 14, no.</p> <p>17 Q. When will the content specific to photo ID</p> <p>18 requirements be designed?</p> <p>19 A. When and if we find out that it's precleared.</p> <p>20 Q. Do you know how long it will take to create that</p> <p>21 content?</p> <p>22 A. I don't know exactly how long, but we are aware that</p> <p>23 the possibility is there, and we will get it done very quickly.</p> <p>24 Q. Okay. When you say very quickly, do you mean -- I</p> <p>25 mean, could you give a time range?</p>	<p style="text-align: center;">24</p> <p>1 A. I know they did a demographic survey. I'm not -- I</p> <p>2 can't remember the details of it.</p> <p>3 Q. Do you know what the basis is for thinking that the</p> <p>4 internet will be an effective way to reach minority communities?</p> <p>5 MR. BRISSENDEN: Objection, vague.</p> <p>6 A. One of the items that -- I do remember that one of the</p> <p>7 items that came back from the survey is that internet access --</p> <p>8 or internet is highly used among -- across the board.</p> <p>9 Q. And which survey are you referring to?</p> <p>10 A. The Burson -- that Burson did, the demographic survey</p> <p>11 that Burson prepared.</p> <p>12 Q. And what -- what do you -- you said that it will be --</p> <p>13 it's highly used across the board. Could you say more about</p> <p>14 what "highly used" means?</p> <p>15 A. I just remember that that was the title of it. They</p> <p>16 had a piece in there. They had a Hispanic column, an elderly</p> <p>17 column and a young voters column, 18 to 24, and across the</p> <p>18 board, all of those categories, that the internet was highly</p> <p>19 used. That's all I remember.</p> <p>20 Q. Do you remember if there were differences between</p> <p>21 those categories, some highly used -- some were -- some of those</p> <p>22 groups had used the internet more than others?</p> <p>23 A. I remember there were slight differences, but they</p> <p>24 were very comparable.</p> <p>25 Q. Do you recall if you gave that survey to your lawyers</p>





<p style="text-align: center;">25</p> <p>1 to give to us?</p> <p>2 A. Yes.</p> <p>3 Q. Yes, you did?</p> <p>4 A. Yes, I did. I'm sorry.</p> <p>5 Q. Thank you.</p> <p>6 Does the plan to educate voters about photo ID</p> <p>7 requirements under S.B. 14, if it's precleared, depend on</p> <p>8 mailers or direct mailings?</p> <p>9 A. Not to my -- I don't know yet.</p> <p>10 Q. Does the plan to educate voters about photo ID</p> <p>11 requirements, if S.B. 14 is precleared, make use of newspaper</p> <p>12 ads?</p> <p>13 A. I believe we've got banner ads, but I don't know if</p> <p>14 they will be used in newspapers. I'm not sure.</p> <p>15 Q. And what is a banner ad?</p> <p>16 A. What are they? They --</p> <p>17 Q. Yes.</p> <p>18 A. -- they -- I know that we've already implemented them</p> <p>19 on the internet. And when you click on it, it takes you to the</p> <p>20 VoteTexas web site. We had them implemented.</p> <p>21 Q. So a banner --</p> <p>22 A. -- for the primary.</p> <p>23 Q. I see.</p> <p>24 So a banner ad is an ad on a web site; is that right?</p> <p>25 A. That's what we had implemented for the primary. I'm</p>	<p style="text-align: center;">27</p> <p>1 about photo ID requirements, if S.B. 14 precleared, what media</p> <p>2 markets they would target?</p> <p>3 A. Um, I -- I'm not -- I don't know.</p> <p>4 Q. Do you know who would know?</p> <p>5 A. Rich Parsons.</p> <p>6 Q. Thank you.</p> <p>7 Does the plan to educate voters about photo ID</p> <p>8 requirements, if S.B. 14 is precleared, make use of radio ads?</p> <p>9 A. Well, we already have radio -- we used radio ads</p> <p>10 during the primary. Nothing has been implemented yet regarding</p> <p>11 Senate Bill 14. As far as Senate Bill 14 goes, we've made it</p> <p>12 known to the vendor, Burson-Marsteller, that if and when Senate</p> <p>13 Bill 14 gets precleared, that we are going to require a very</p> <p>14 quick turnaround to get everything in place within a very</p> <p>15 reasonable amount of time. So they have already been made aware</p> <p>16 of possible changes that are -- that could come about.</p> <p>17 Q. I see. So the plan is to wait for preclearance and</p> <p>18 then create a voter education plan specific to photo ID</p> <p>19 requirements; is that right?</p> <p>20 MR. BRISSENDEN: Objection, vague,</p> <p>21 mischaracterization of testimony.</p> <p>22 A. Again, we have the main components already in place.</p> <p>23 When and if Senate Bill 14 gets precleared, they are already on</p> <p>24 mark that these items need to get updated, and they are prepared</p> <p>25 to do so as well is -- our office is as well.</p>
<p style="text-align: center;">26</p> <p>1 not sure if there is a plan to provide banner ads in the</p> <p>2 newspaper advertisements.</p> <p>3 Q. Do you know -- well, will -- will the Secretary of</p> <p>4 State's office be using banner ads going forward with voter</p> <p>5 education from today?</p> <p>6 A. I know that for the internet, yes.</p> <p>7 Q. Okay. And will banner ads be part of the effort to</p> <p>8 educate voters about photo ID if S.B. 14 is precleared?</p> <p>9 A. I don't know, but -- I don't know.</p> <p>10 Q. Do you know who would know?</p> <p>11 A. Rich Parsons.</p> <p>12 Q. Does the plan to educate voters about photo ID</p> <p>13 requirements, if S.B. 14 is precleared, make use of television</p> <p>14 ads?</p> <p>15 A. Yes.</p> <p>16 Q. Have any ads discussing photo ID requirements under</p> <p>17 S.B. 14 been designed or produced yet?</p> <p>18 A. Regarding Senate Bill 14, no, not yet.</p> <p>19 Q. Do you know how long it will take to design those ads?</p> <p>20 A. No, I don't.</p> <p>21 Q. Do you know if it will take longer than a week?</p> <p>22 A. I don't know.</p> <p>23 Q. Do you know if it will take longer than a month?</p> <p>24 A. I don't know.</p> <p>25 Q. Do you know if ads that may be used to educate voters</p>	<p style="text-align: center;">28</p> <p>1 Q. And when you say the main components, what does that</p> <p>2 mean?</p> <p>3 A. Well, we've already -- we already have TV ads, radio</p> <p>4 spots. We've got the VoteTexas web site. We've got the Face --</p> <p>5 all social media. It's all in place. And we just need to</p> <p>6 update it, if you will, according to the Senate Bill 14</p> <p>7 requirements, and we will be able to do that.</p> <p>8 Q. Okay. So it's that updating that will take place</p> <p>9 after Senate Bill 14 is precleared, if it is; is that right?</p> <p>10 A. Essentially, yes. It's not recreating the wheel.</p> <p>11 It's just giving it a refresh of the new information.</p> <p>12 Q. Has the Secretary of State's office conducted any</p> <p>13 market research or demographic analysis to determine the most</p> <p>14 effective way to reach non-white voters?</p> <p>15 A. Burson-Marsteller did.</p> <p>16 Q. And have you seen that research?</p> <p>17 A. It's what I was speaking of earlier.</p> <p>18 Q. I see.</p> <p>19 So the survey that you mentioned earlier that has been</p> <p>20 produced, that's what you're referring to?</p> <p>21 A. Yes.</p> <p>22 Q. If S.B. 14 is precleared and the voter education plan</p> <p>23 regarding photo ID requirements is implemented, what will be</p> <p>24 your measures for success of that plan?</p> <p>25 MR. BRISSENDEN: Objection, vague.</p>



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1 A. Um, I don't know if I -- I don't know.  
 2 Q. I just -- I'm just going to try and just be clear.  
 3 When you say -- do you mean -- do you have trouble  
 4 understanding the question, or do you just mean you don't know  
 5 the answer?  
 6 A. I guess I don't really understand your question.  
 7 Q. Okay. If S.B. 14 is precleared and a plan to educate  
 8 voters about photo ID is implemented, how will you know if it  
 9 worked or not?  
 10 MR. BRISSENDEN: Same objection.  
 11 A. I don't think our -- I don't think we can measure. I  
 12 don't know.  
 13 Q. Is there a plan to measure success with, say, polls or  
 14 new surveys or anything like that?  
 15 A. Not that I'm aware of.  
 16 MR. VANDEWALKER: Okay. At this point, I'd like  
 17 to introduce another document. If I could have the assistance  
 18 of Ms. Stelcen. The affidavit of Keith Ingram?  
 19 MS. STELCEN: I'm going to have the court  
 20 reporter mark it as Salazar 3.  
 21 (Exhibit No. 3 marked)  
 22 MS. STELCEN: I'm now placing this in front of  
 23 the witness.  
 24 MR. VANDEWALKER: Thank you.  
 25 Q. Ms. Salazar, have you ever seen this document before?

30

1 A. No.  
 2 Q. Okay. As I'm sure you can tell, it is an affidavit of  
 3 Keith Ingram. Do you know who Keith Ingram is?  
 4 A. Yes.  
 5 Q. And who is he?  
 6 A. He's the director of the Elections division.  
 7 Q. Could I ask you to turn -- it's the third page. I  
 8 want to look at Paragraph 7.  
 9 A. Okay.  
 10 Q. If you could just take a second to read paragraph 7,  
 11 please.  
 12 A. Okay.  
 13 Q. Thank you.  
 14 And so Paragraph 7 talks about -- it makes a  
 15 distinction between a basic education program and a complete  
 16 program. Do you know what the difference between those two is?  
 17 A. I -- no, not by reading this, no.  
 18 Q. Okay. And have those terms ever been used to talk  
 19 about voter education plans around the Secretary of State's  
 20 office that you're aware of?  
 21 A. The only thing that I can think of is our basic  
 22 education program is what we have in place now, and a complete  
 23 program is if and when Senate Bill 14 gets precleared. That's  
 24 the only way I can imagine this is what this means.  
 25 Q. Okay. Now, Paragraph 7 also says, "In order to have a

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1 basic education program in place to have a successful November  
 2 2012 election season, the Secretary of State's office would need  
 3 to have a final decision by August 15, 2012."  
 4 If the Court doesn't issue a decision about  
 5 preclearance until August 31st, to your knowledge, will it be  
 6 then impossible to effectively educate voters about the photo ID  
 7 requirements under S.B. 14?  
 8 A. No --  
 9 MR. BRISSENDEN: Objection, form.  
 10 A. -- absolutely not.  
 11 Q. So do you understand, then, what the first half of  
 12 that sentence means?  
 13 A. Yes.  
 14 Q. What does it mean?  
 15 A. It means that we will be able to roll out with the  
 16 necessary training and voter outreach if Senate Bill 14 is  
 17 precleared by August 15th.  
 18 Q. Right. What I'm asking is what if Senate Bill 14 is  
 19 precleared after August 15th?  
 20 A. We would still be able to have everything implemented.  
 21 Q. Do you think the plan would have less of an impact if  
 22 a preclearance decision isn't made until August 31st?  
 23 MR. BRISSENDEN: Objection, vague.  
 24 A. No, I do not.  
 25 Q. And why not?

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1 A. Because we -- we're going to be prepared. We are  
 2 prepared to do whatever we need to do to get this out to the  
 3 public and to our election officials on time.  
 4 Q. To your knowledge, did anyone in the Elections  
 5 division examine voter education plans in other states that have  
 6 been considered -- I'm sorry. I'll start over.  
 7 To your knowledge, did anyone in the Elections  
 8 division examine voter education plans in other states that were  
 9 considering or had enacted photo ID laws?  
 10 A. I believe so, yes.  
 11 Q. And do you know what -- what states' plans were  
 12 considered?  
 13 A. No, I do not.  
 14 Q. Do you know who would -- who in the Secretary of  
 15 State's office was examining other states' plans?  
 16 A. Our then-Director of Elections, Ann McGeehan.  
 17 Q. And do you know if Ann McGeehan took into account what  
 18 other states were doing with -- when she was doing what she did  
 19 to plan Texas' voter education plan?  
 20 MR. BRISSENDEN: Objection, vague, calls for  
 21 speculation.  
 22 A. No, I do not.  
 23 MR. VANDEWALKER: Okay. Ms. Salazar, we've been  
 24 going for about an hour, and it may be a good time to take a  
 25 break, if you want one.





<p style="text-align: center;">33</p> <p>1 THE WITNESS: Okay.</p> <p>2 MR. VANDEWALKER: Okay. So why don't we say five</p> <p>3 minutes.</p> <p>4 MR. BRISSENDEN: That would be great.</p> <p>5 MR. VANDEWALKER: Okay. Thank you.</p> <p>6 (Recess from 10:34 a.m. to 10:40 a.m.)</p> <p>7 MR. VANDEWALKER: Okay. If I could ask Ms.</p> <p>8 Stelcen to help with an exhibit again. This one is titled</p> <p>9 Committee on Legislative Research Oversight Division.</p> <p>10 MS. STELCEN: Okay. I'm going to have the court</p> <p>11 reporter mark this as Salazar 4.</p> <p>12 (Exhibit No. 4 marked)</p> <p>13 MS. STELCEN: Okay. Ms. Salazar has it.</p> <p>14 MR. VANDEWALKER: Okay. Thank you.</p> <p>15 Q. Are you familiar with this document, Ms. Salazar?</p> <p>16 Have you ever seen it before?</p> <p>17 A. No, I have not.</p> <p>18 Q. Okay. I'll represent to you that this is a fiscal</p> <p>19 note that was produced by the Missouri legislature's committee</p> <p>20 on legislative research in 2010 when Missouri was considering</p> <p>21 enacting a photo ID law. That committee is a nonpartisan agency</p> <p>22 that does research for the Missouri legislature.</p> <p>23 Could you turn to the fourth page?</p> <p>24 A. Okay.</p> <p>25 Q. And on that page, it lists costs projected for print,</p>	<p style="text-align: center;">35</p> <p>1 in the last presidential election?</p> <p>2 A. No, I don't.</p> <p>3 Q. Do you know if it's more or less than Missouri?</p> <p>4 A. I don't know.</p> <p>5 Q. Do you know if the population of Texas is more or less</p> <p>6 than Missouri?</p> <p>7 A. I don't know.</p> <p>8 Q. Thank you for indulging me.</p> <p>9 I'd like to turn now to talk about poll worker</p> <p>10 training, which you said is also part of your duties at the</p> <p>11 Secretary of State's office.</p> <p>12 A. Okay.</p> <p>13 Q. Is the Elections division typically responsible for</p> <p>14 informing county election officials about changes in the</p> <p>15 election law?</p> <p>16 A. Yes.</p> <p>17 Q. Who in your office is responsible for informing county</p> <p>18 election officials about changes in election law?</p> <p>19 A. Well, we all have a part in it.</p> <p>20 Q. Okay. So it's a -- it's a group effort.</p> <p>21 Is there a specific team or department that's involved</p> <p>22 in it?</p> <p>23 A. Well, our legal department prepares the information,</p> <p>24 and my section, the special project section, implements it and</p> <p>25 gets it out there to the election officials.</p>
<p style="text-align: center;">34</p> <p>1 TV and radio public service announcements during a single</p> <p>2 election cycle. And in the first table there, it totals those</p> <p>3 costs. Do you see that number?</p> <p>4 A. Yes.</p> <p>5 Q. And could you just read the number for me?</p> <p>6 A. \$2,000.</p> <p>7 Q. Oh, I'm sorry. I'm looking at the total of that -- at</p> <p>8 the bottom of that total.</p> <p>9 A. Oh, I'm sorry. On the first section.</p> <p>10 Q. Yes, ma'am.</p> <p>11 A. \$966,000.</p> <p>12 Q. Thank you.</p> <p>13 And then, the plan also involves mailers, which is the</p> <p>14 next table down. Do you see the total of that next table</p> <p>15 involving mailings?</p> <p>16 A. Yes.</p> <p>17 Q. And what is that number?</p> <p>18 A. \$2,037,750.</p> <p>19 Q. And do you know the total that Texas is planning to</p> <p>20 spend on voter education this year?</p> <p>21 A. No, I do not.</p> <p>22 Q. Okay. I'm just going to just represent to you that</p> <p>23 previous witnesses have testified that it's about \$3 million.</p> <p>24 A. Uh-huh.</p> <p>25 Q. And do you happen to know the voter turnout in Texas</p>	<p style="text-align: center;">36</p> <p>1 Q. And how do you actually inform election officials</p> <p>2 about changes in election law?</p> <p>3 A. Every year we have an annual conference, typically</p> <p>4 late July, sometime in August as well. And then, that's for the</p> <p>5 county election officials. And then, in the -- during the</p> <p>6 wintertime, late November, early December, we have one for</p> <p>7 cities, secretaries, school superintendents and other political</p> <p>8 subdivisions. In addition to that, we have our election judges</p> <p>9 and clerks handbooks, we have an online training program for</p> <p>10 poll workers, and we provide a video for election judges and</p> <p>11 clerks.</p> <p>12 Q. And how is the content of those last things you</p> <p>13 mentioned, the handbook, the online training program and the</p> <p>14 video, how is that created?</p> <p>15 A. Our legal department creates that, creates the</p> <p>16 content.</p> <p>17 Q. Okay. If S.B. 14 is precleared, will the Elections</p> <p>18 division be responsible for informing county election officials</p> <p>19 how to administer the new photo ID requirement?</p> <p>20 A. Yes.</p> <p>21 Q. Has the Elections division sent any communications to</p> <p>22 county election officials to begin preparing them to administer</p> <p>23 the new photo ID requirement, if S.B. 14 is precleared?</p> <p>24 A. I don't know of the specific information, but they are</p> <p>25 aware of it.</p>



<p style="text-align: center;">37</p> <p>1 Q. So if I understand you, there has been some</p> <p>2 communication between the Secretary of State and election</p> <p>3 officials about the photo ID requirement --</p> <p>4 A. Yes.</p> <p>5 Q. -- possibly being enforced?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Do you know when those communications might</p> <p>8 have happened?</p> <p>9 A. I do remember we had an initial memo go out September</p> <p>10 of 2011. And it outlined the requirements that the county</p> <p>11 officials -- what they were going to be responsible for and how</p> <p>12 they needed to post certain notices in their office and provide</p> <p>13 the -- I can't remember what the form is called, but it was</p> <p>14 included in the information that I provided that all voters who</p> <p>15 voted in the November 2000 election were given that notice,</p> <p>16 letting them know that upon federal approval, the Senate Bill 14</p> <p>17 new photo ID requirements were going to be in place.</p> <p>18 Q. I'm sorry. I think you said all voters who voted in</p> <p>19 the November 2000 election. Is that what you meant?</p> <p>20 A. No, 2011.</p> <p>21 Q. Ah, 2011. Thank you.</p> <p>22 Has the Election division produced any materials at</p> <p>23 this point that it plans to use to show county election</p> <p>24 officials how to properly administer the new photo ID</p> <p>25 requirements in S.B. 14?</p>	<p style="text-align: center;">39</p> <p>1 that the county election officials make to train their poll</p> <p>2 workers?</p> <p>3 A. Do we oversee their efforts?</p> <p>4 Q. Right.</p> <p>5 A. We provide them the information that's necessary,</p> <p>6 and they are required -- I mean, you know, they handle it after</p> <p>7 the fact. We don't monitor them.</p> <p>8 Q. Okay. And does the Elections division of the</p> <p>9 Secretary of State's office play any role at all in training the</p> <p>10 poll workers before an election?</p> <p>11 A. We have our online training program that both poll</p> <p>12 workers and the election judges and clerks, as well as the</p> <p>13 county election officials, can all take part in training</p> <p>14 directly through the web site.</p> <p>15 Q. And does that involve -- so that involves producing</p> <p>16 materials; is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. Training materials? Sorry. I'm sorry. I meant to</p> <p>19 clarify training materials, and then I spoke over your answer.</p> <p>20 Does that include training materials?</p> <p>21 A. Yes.</p> <p>22 Q. Thank you.</p> <p>23 And how far in advance of an election are those</p> <p>24 materials that would be used to train poll workers typically</p> <p>25 distributed?</p>
<p style="text-align: center;">38</p> <p>1 A. They're in draft mode, from what I know.</p> <p>2 Q. Have you seen those drafts?</p> <p>3 A. No, I have not. They don't come to me until they're</p> <p>4 final.</p> <p>5 Q. Okay.</p> <p>6 A. Our office has -- what we're doing is we have two</p> <p>7 versions. We're going to have two versions ready by August</p> <p>8 15th. One version is no Senate Bill 14. The other version's</p> <p>9 with Senate Bill 14 incorporated. And both versions, we've got</p> <p>10 the deadline of August 15th, so those both will be ready to go,</p> <p>11 and we'll implement whichever one is appropriate at the time.</p> <p>12 Q. How does the Secretary of State's office ensure that</p> <p>13 county election officials understand the materials that you send</p> <p>14 them to train them?</p> <p>15 MR. BRISSENDEN: Objection, vague.</p> <p>16 A. I don't -- we can't really ensure. We give them the</p> <p>17 information that is required.</p> <p>18 Q. Do you have any way of getting feedback from them on</p> <p>19 whether they understand the materials?</p> <p>20 A. I mean, our office is there for questions if they're</p> <p>21 unfamiliar -- you know, if they don't understand. We provide</p> <p>22 everything on our Secretary of State's web site under Conducting</p> <p>23 Your Elections. All information that we send out to them is</p> <p>24 also posted on that page.</p> <p>25 Q. And does the Secretary of State oversee the efforts</p>	<p style="text-align: center;">40</p> <p>1 A. We typically go live two months before the election.</p> <p>2 Q. Does the Elections division typically organize any</p> <p>3 seminars to facilitate poll worker training?</p> <p>4 A. Poll worker training? No. We -- our seminars are</p> <p>5 geared toward the actual election officials. So there's --</p> <p>6 Q. Okay.</p> <p>7 A. -- basically a training -- training the trainer.</p> <p>8 Q. Right. And when do those seminars happen, the</p> <p>9 election officials' training?</p> <p>10 A. This year it's taking place August 20th through 22nd.</p> <p>11 Q. Is that typical, that they're usually around that time</p> <p>12 every year or every time you have them?</p> <p>13 A. It was originally scheduled for July 31st, but since</p> <p>14 the primary got moved, we had to move the seminar to a later</p> <p>15 date. But, yes, they are usually either late July or early</p> <p>16 August.</p> <p>17 Q. If the decision on preclearance doesn't -- isn't made</p> <p>18 until the end of August, as the Court has suggested, how will</p> <p>19 that affect the use of the seminar to train county election</p> <p>20 officials?</p> <p>21 MR. BRISSENDEN: Objection, vague to the extent</p> <p>22 that it also mischaracterizes representations from the Court.</p> <p>23 You may answer.</p> <p>24 A. It won't affect it. We will go ahead with our seminar</p> <p>25 and provide the necessary materials to the election officials in</p>



<p style="text-align: center;">41</p> <p>1 other means of communication.</p> <p>2 Q. And what other means of communication will you use?</p> <p>3 A. We would post everything on our web site. We would</p> <p>4 e-mail it to them, and if necessary, hard copy mail.</p> <p>5 Q. If you do use hard copy mail for that purpose that you</p> <p>6 just mentioned, would that money come from voter education</p> <p>7 funds?</p> <p>8 MR. BRISSENDEN: If you know.</p> <p>9 A. No, I don't -- no, I don't know.</p> <p>10 Q. Okay. Turning back to the materials that you produced</p> <p>11 that are intended for poll workers, are any of those materials</p> <p>12 specific to Spanish speaking poll workers?</p> <p>13 A. No.</p> <p>14 Q. So are all of the training materials in English?</p> <p>15 A. For the election officials, yes.</p> <p>16 Q. And I -- I'm maybe not remembering what you said, but</p> <p>17 does the Secretary of State's office produce any materials that</p> <p>18 are intended for the poll workers?</p> <p>19 A. Not in Spanish, no.</p> <p>20 Q. Okay. But do you produce any materials at all that</p> <p>21 are intended for the poll workers?</p> <p>22 A. Yes. It's our online training program.</p> <p>23 Q. Right. Okay. Okay. Thank you.</p> <p>24 And all of those materials are in English; is that</p> <p>25 correct?</p>	<p style="text-align: center;">43</p> <p>1 MS. STELCEN: And Ms. Salazar has the exhibit.</p> <p>2 MR. VANDEWALKER: Thank you.</p> <p>3 Q. Ms. Salazar, you mentioned earlier a survey by</p> <p>4 Burson-Marsteller that talked about, among other things, levels</p> <p>5 of internet usage. Is this the survey that you were talking</p> <p>6 about?</p> <p>7 A. Yes.</p> <p>8 Q. So if we could just turn to what is the second page.</p> <p>9 It says Methodology at the top?</p> <p>10 A. Okay.</p> <p>11 Q. Okay. So this page sets out three groups that were</p> <p>12 surveyed. One of those groups is Hispanic Texas Voter. The</p> <p>13 other groups are Texas Voter 18 to 24 and Texas Voter 65-plus.</p> <p>14 A. Yes.</p> <p>15 Q. Do you know the -- anything about the composition of</p> <p>16 these groups other than what it says here?</p> <p>17 A. No, I do not.</p> <p>18 Q. Do you know, for example, what the racial composition</p> <p>19 of the Texas Voter 18 to 24 group is?</p> <p>20 A. No, I don't.</p> <p>21 Q. And do you know the racial composition of the Texas</p> <p>22 Voter 65-plus group?</p> <p>23 A. No.</p> <p>24 Q. So do you have any reason to think that those two</p> <p>25 groups that are divided by -- that are set out by age include</p>
<p style="text-align: center;">42</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 MR. VANDEWALKER: And can I just ask Ms. Stelcen</p> <p>4 if you've got the last exhibit that we talked about at the</p> <p>5 break?</p> <p>6 MS. STELCEN: You know what, Ian, we're actually</p> <p>7 having some printing issues with that. So if you want to let</p> <p>8 Elizabeth do her examination, and then we can go back to that</p> <p>9 once I have the copy. Does that make sense?</p> <p>10 MR. VANDEWALKER: That's fine with me if that's</p> <p>11 okay with --</p> <p>12 MS. STELCEN: Or we can take a break also. We're</p> <p>13 just -- I mean, it shouldn't take more than five minutes. We</p> <p>14 were just having a little issue. Okay. So why don't -- we can</p> <p>15 take a quick break.</p> <p>16 MS. WESTFALL: Unless he has other questions.</p> <p>17 MR. VANDEWALKER: Okay. Sure. Perfect. Let's</p> <p>18 take a five-minute break, and we'll come back.</p> <p>19 MS. STELCEN: Okay. Thank you.</p> <p>20 (Recess from 11:05 a.m. to 11:10 a.m.)</p> <p>21 MR. VANDEWALKER: So if you could present the</p> <p>22 exhibit that we've had such excitement about.</p> <p>23 MS. STELCEN: Okay. I'm going to ask the court</p> <p>24 reporter to mark this as Salazar No. 5.</p> <p>25 (Exhibit No. 5 marked)</p>	<p style="text-align: center;">44</p> <p>1 Hispanic voters?</p> <p>2 A. I don't know.</p> <p>3 Q. Okay. Do you see anything here indicating whether</p> <p>4 African American voters were surveyed?</p> <p>5 A. No.</p> <p>6 Q. Thank you.</p> <p>7 So if we could just turn -- it may be close to halfway</p> <p>8 through the document. I apologize there aren't easily</p> <p>9 accessible page numbers, but it's Bates No. Texas 298545.</p> <p>10 A. Okay.</p> <p>11 Q. It's a page entitled Web Sites and Media are Most Used</p> <p>12 Sources of Voting Information.</p> <p>13 A. Yes.</p> <p>14 Q. Thank you.</p> <p>15 So this seems to be the results of a survey asking the</p> <p>16 question, "When seeking out information or news about voting in</p> <p>17 your community, where do you find the information you need?"</p> <p>18 And it shows the second column is Media. Do you know</p> <p>19 what Media means there?</p> <p>20 A. No, I don't.</p> <p>21 Q. Okay. Well, the first column is Web Sites. And if we</p> <p>22 look at little farther down, we see Advertising and also Social</p> <p>23 networking sites. Do you know any more about those categories</p> <p>24 other than what it says right here?</p> <p>25 A. Do I know more information? What do you mean?</p>



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1 Q. Do you know -- I mean, it says here that there's Web  
2 sites and Advertising and Social networking sites. Do you know  
3 any more information than what those labels convey?

4 A. No, I don't.

5 Q. Now, looking at -- if you take the first column, Web  
6 sites, it shows that Hispanics say that they find the  
7 information they need on web sites 53 percent of the time, which  
8 is less than the group of voters 18 to 24. Do you see that?

9 MR. BRISSENDEN: That -- Ian, just -- not to be  
10 difficult, but the copy that we have is not in color; it's in  
11 black and white. And so it's difficult to see which of the bars  
12 pertain to 18 to 24 versus which ones are -- pertain to  
13 Hispanic. They're all black-and-white.

14 MR. VANDEWALKER: Yeah. We have the same problem  
15 because the copy that was provided to us is in black and white.  
16 So I can't help with that problem. I can say that the key shows  
17 that voters 18 to 24 is the dark mark on the far left, that  
18 65-plus is the white mark, and Hispanic is the dark mark on the  
19 far right.

20 Q. Ms. Salazar, do you think it's a reasonable  
21 interpretation of this chart that the Hispanic column is the  
22 column on the far right in each column?

23 A. I can't --

24 MR. BRISSENDEN: If you --

25 A. I can't decipher that.

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1 MR. VANDEWALKER: Okay. Can we go off the record for  
2 a minute, please.

3 (Recess from 11:14 a.m. to 11:16 a.m.)

4 Q. Okay. So looking at this chart, the columns -- the  
5 first column, it talks about web sites. And although we don't  
6 know which of these columns within that group refers to which,  
7 what's the highest number there showing that how many people use  
8 web sites to find the information they need?

9 A. 67 percent.

10 Q. 67 percent?

11 So is it your understanding that that indicates that  
12 over 30 percent of people don't use web sites to get the  
13 information that they need?

14 A. Yes.

15 Q. And looking at the next group of columns, again,  
16 what's the highest percentage there?

17 A. 84 percent.

18 Q. And so do you think that that means that over  
19 15 percent -- I'm sorry.

20 Do you think that means that over 15 percent of people  
21 don't get their information from media?

22 MR. BRISSENDEN: Objection, vague.

23 A. Yes.

24 Q. And just looking over to the Social networking sites  
25 column, about halfway through, what's the highest number there?

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1 A. 24 percent.

2 Q. And so do you understand that to mean that over 70  
3 percent of people don't get the information they need from  
4 social networking sites?

5 MR. BRISSENDEN: Same objection.

6 A. From the people that they produce this survey with,  
7 yes.

8 Q. Right. And just -- just to continue asking silly  
9 questions about this thing that we can't really read: For each  
10 group of columns, is it the case that -- sorry.

11 I'll limit my questions to the first four groups of  
12 columns, web site, media, friends and family and advertising.  
13 For each of those, is it true that the three columns in each  
14 group are at different levels, indicating that whichever one is  
15 Hispanic is a different level from the other two?

16 A. Yes.

17 Q. Thank you.

18 I'd like to turn a couple pages later to what is Bates  
19 stamped as 298547, the page that says at the top, "Voters find  
20 the process fair and accessible."

21 A. Okay.

22 Q. So the question they asked is, "Do you believe that  
23 the voting process is fair and accessible to all Texans?"

24 And looking at the people who said no, under all Texas  
25 voters, the first column, what was the most common answer given

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1 for the reason that people said that the voting process is not  
2 fair and accessible?

3 MR. BRISSENDEN: Objection, vague.

4 A. According to the people they surveyed, it says  
5 33 percent.

6 Q. And what was the --

7 A. For --

8 Q. -- reason those 33 --

9 A. I'm sorry.

10 Q. I'm sorry.

11 A. Documentation.

12 Q. Thank you.

13 I'll just ask the question just for the record.

14 What was the reason that those 33 percent gave  
15 thinking that the voting process is not fair and accessible?

16 A. From the people they surveyed, it was documentation.

17 Q. Thank you.

18 Do you have any reason to think that the people they  
19 surveyed are not a representative cross-section of Texas voters?

20 MR. BRISSENDEN: Objection, vague.

21 A. I don't know.

22 MR. VANDEWALKER: Okay. I think we have  
23 exhausted our questions. If Ms. Westfall would like to take  
24 over.

25 MS. WESTFALL: Thank you very much.



<p style="text-align: center;">49</p> <p>1 EXAMINATION</p> <p>2 BY MS. WESTFALL:</p> <p>3 Q. Ms. Salazar, my name is Elizabeth Westfall. I</p> <p>4 represent the Department of Justice in this case. And I just</p> <p>5 have a few questions for you. I won't keep you much longer.</p> <p>6 A. Okay.</p> <p>7 Q. Thank you for your time.</p> <p>8 Ms. Salazar, who do you report to?</p> <p>9 A. I report to Louri O'Leary.</p> <p>10 Q. And what is her title?</p> <p>11 A. She's the manager of the administrative section.</p> <p>12 Q. Is there a group of staff in the Secretary of State's</p> <p>13 office that handles responsibilities related to the Elections</p> <p>14 division?</p> <p>15 A. I'm sorry. That went in and went right out. Can you</p> <p>16 repeat that?</p> <p>17 Q. I'll try it again.</p> <p>18 Is there a group of staff in the Secretary of State's</p> <p>19 office that handles responsibilities for the Elections division?</p> <p>20 A. Yes.</p> <p>21 Q. How big is that group?</p> <p>22 A. We are at 26.</p> <p>23 Q. If there was a request from a state legislator for</p> <p>24 information related to an elections bill, who in your office</p> <p>25 would handle that request?</p>	<p style="text-align: center;">51</p> <p>1 A. Yes.</p> <p>2 Q. Who do you work with in the legal section regarding</p> <p>3 tracking legislation?</p> <p>4 A. All of the attorneys.</p> <p>5 Q. Could you describe how you track legislation?</p> <p>6 MR. BRISSENDEN: I'm going to, at this time,</p> <p>7 instruct the witness not to answer. We presented Ms. Salazar</p> <p>8 today on short notice based upon the agreement that was reached</p> <p>9 that Ms. Salazar would be here today to talk about voter</p> <p>10 education efforts, poll worker training, the documents, the</p> <p>11 topics that are listed in her notice of deposition, which all</p> <p>12 pertain to voter education and poll worker training. So to the</p> <p>13 extent that the line of questioning is now talking about</p> <p>14 tracking legislation and those procedures, I believe those are</p> <p>15 outside the bounds of what the agreement was, and so I'd</p> <p>16 instruct her not to answer.</p> <p>17 MS. WESTFALL: Mr. Brissenden, I take strong</p> <p>18 issue with your instruction. The witness has not been noticed</p> <p>19 pursuant to Rule 30(b)(6), if I'm not mistaken. And I am</p> <p>20 following up on questions that -- with questions about testimony</p> <p>21 that she has already provided in this deposition. So I would</p> <p>22 ask that you withdraw your instruction to your witness.</p> <p>23 MR. BRISSENDEN: She has simply earlier testified</p> <p>24 as to what her responsibilities, duties are as part of her</p> <p>25 position. She has not gone into and provided any detailed</p>
<p style="text-align: center;">50</p> <p>1 A. Our legal department.</p> <p>2 Q. Who in particular in the legal department would handle</p> <p>3 that request?</p> <p>4 A. Elizabeth Hanshaw Winn.</p> <p>5 Q. Anybody else?</p> <p>6 A. Any of the attorneys. Name them all or --</p> <p>7 Q. No. That's okay.</p> <p>8 Is Ms. Winn the head of that department?</p> <p>9 A. Of the legal section, yes.</p> <p>10 Q. How big is the legal section?</p> <p>11 A. Six. Six attorneys and two administrative staff.</p> <p>12 Q. Do you, yourself, have contact with that section?</p> <p>13 A. Yes.</p> <p>14 Q. How frequently?</p> <p>15 A. If I ever have a legal question that I need answered,</p> <p>16 that -- but it -- it just depends on the given day.</p> <p>17 Q. Is it pretty routine that you have contact with that</p> <p>18 office?</p> <p>19 MR. BRISSENDEN: Objection, vague.</p> <p>20 A. Again, depending on circumstances.</p> <p>21 Q. I believe you testified earlier that one of your</p> <p>22 responsibilities is tracking legislation; is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. When you are tracking legislation, do you provide that</p> <p>25 information to the legal section?</p>	<p style="text-align: center;">52</p> <p>1 testimony with regards to tracking legislation. That's a new</p> <p>2 topic area. I understand it's not a 30(b)(6) deposition, but it</p> <p>3 is an agreement that was reached with counsel. It was</p> <p>4 understood that because she is being presented on such short</p> <p>5 notice that we would, in the spirit of cooperation, have a</p> <p>6 deposition focused on the narrow topics of voter education and</p> <p>7 poll worker training.</p> <p>8 MS. WESTFALL: Did you --</p> <p>9 MR. BRISSENDEN: So I will instruct her not to</p> <p>10 answer.</p> <p>11 MS. WESTFALL: Did you have any communications</p> <p>12 with anyone in the U.S. Department of Justice related to such an</p> <p>13 agreement that you've just described?</p> <p>14 MR. BRISSENDEN: I wasn't involved particularly</p> <p>15 with the communications, but Mr. Sweeten and others in our</p> <p>16 office were.</p> <p>17 MS. WESTFALL: I will represent to you that on</p> <p>18 behalf of the attorney general, that I am not aware of any</p> <p>19 agreement that we would have entered into to limit the topics of</p> <p>20 this deposition. I have just a few questions for Ms. Salazar</p> <p>21 that will not keep her long or you. I do not intend to spend a</p> <p>22 tremendous amount of time examining her today. But I do want to</p> <p>23 make clear for the record that the attorney general is not a --</p> <p>24 a party to any such agreement. There's no 30(b)(6) notice as to</p> <p>25 this witness. It's improper for you to be instructing her not</p>





<p style="text-align: center;">53</p> <p>1 to answer questions on that basis, and I would ask your</p> <p>2 indulgence in allowing me to proceed with my examination.</p> <p>3 MR. BRISSENDEN: And I disagree. The Department</p> <p>4 of Justice did not notice the deposition either, so --</p> <p>5 MS. WESTFALL: We're the defendant in this</p> <p>6 action.</p> <p>7 MR. BRISSENDEN: I understand.</p> <p>8 MS. WESTFALL: We're entitled to take questions</p> <p>9 of this -- of this fact witness.</p> <p>10 MR. BRISSENDEN: I understand. But the --</p> <p>11 MS. WESTFALL: She's not a 30(b)(6) witness.</p> <p>12 She's a fact witness.</p> <p>13 MR. BRISSENDEN: I understand. But the</p> <p>14 deposition was not noticed by the Department of Justice. It was</p> <p>15 noticed by intervenor's counsel with the understanding that</p> <p>16 these topics of voter education and poll worker training would</p> <p>17 be the topics that would be discussed based upon the limited</p> <p>18 time frame that we were provided in which to present her here</p> <p>19 today. I'm not being difficult, but that was the understanding</p> <p>20 and agreement that we were all under whenever we agreed to</p> <p>21 present Ms. Salazar here today.</p> <p>22 MS. WESTFALL: That may be your understanding,</p> <p>23 but it's contrary to the federal rules. Do you want to</p> <p>24 reconsider your instruction to your witness?</p> <p>25 MR. BRISSENDEN: Not at this time.</p>	<p style="text-align: center;">55</p> <p>1 Q. Is there someone in the Secretary of State's office</p> <p>2 who serves as a liaison to the legislature on elections issues?</p> <p>3 A. I don't know specifics. As far as I know, Keith will.</p> <p>4 He hasn't in the past, but I know he will.</p> <p>5 Q. Are you talking about Keith Ingram --</p> <p>6 A. Yes.</p> <p>7 Q. -- in the Elections division?</p> <p>8 Is there anyone in the Secretary of State's office</p> <p>9 itself and not the Elections division who would serve as the</p> <p>10 liaison to the -- to the state legislature?</p> <p>11 A. I don't know.</p> <p>12 Q. In 2011, did you track Senate Bill 14?</p> <p>13 MR. BRISSENDEN: I'm going to instruct the</p> <p>14 witness not to answer the question.</p> <p>15 MS. WESTFALL: What's your basis?</p> <p>16 MR. BRISSENDEN: Same basis as before.</p> <p>17 MS. WESTFALL: All right. We'll take a break.</p> <p>18 We'll take a break and discuss this further once I'm done with</p> <p>19 this other questions.</p> <p>20 Q. In 2009, did you track previous voter ID bills?</p> <p>21 MR. BRISSENDEN: Same instruction.</p> <p>22 Q. Are you going to follow the advice of counsel?</p> <p>23 A. Yes.</p> <p>24 Q. Did you ever have any communications with legislators</p> <p>25 and their staff?</p>
<p style="text-align: center;">54</p> <p>1 MS. WESTFALL: Could you read back the question.</p> <p>2 (Requested portion was read by the reporter)</p> <p>3 MS. WESTFALL: Are you instructing her not to</p> <p>4 answer?</p> <p>5 MR. BRISSENDEN: Yes.</p> <p>6 Q. Did you do any tracking of legislation in the 2011</p> <p>7 legislative session?</p> <p>8 MR. BRISSENDEN: Same instruction.</p> <p>9 Q. Is there anyone else in your office who handles issues</p> <p>10 related to state legislation?</p> <p>11 A. It would be our group of attorneys and our Director of</p> <p>12 Elections.</p> <p>13 Q. Is that the Elections division?</p> <p>14 A. Yes.</p> <p>15 Q. So outside of the attorneys and you, are -- is there</p> <p>16 anyone else in the Secretary of State's office who handles</p> <p>17 issues related to state legislation?</p> <p>18 A. Within the division, Dan Glotzer, our primary finance</p> <p>19 manager.</p> <p>20 Q. And is he within the Secretary of State's office?</p> <p>21 A. Yes.</p> <p>22 Q. Can you think of anyone else who handles state</p> <p>23 legislation issues within the Secretary of State's office?</p> <p>24 A. Oh, within the entire office. I'm sorry. I don't</p> <p>25 know of the amount of people, but, yes, there are other people.</p>	<p style="text-align: center;">56</p> <p>1 MR. BRISSENDEN: Same instruction.</p> <p>2 Q. Were you ever in meetings with legislators or their</p> <p>3 staff about any voter ID bill?</p> <p>4 MR. BRISSENDEN: Same instruction.</p> <p>5 Q. Are you aware of any research that the Secretary of</p> <p>6 State or the Elections division conducted on voter ID?</p> <p>7 MR. BRISSENDEN: Same instruction.</p> <p>8 Q. Since 2005, to your knowledge, has the Secretary of</p> <p>9 State ever conducted any research on voter ID?</p> <p>10 MR. BRISSENDEN: Same instruction.</p> <p>11 Again, we're here to talk about voter ID or voter</p> <p>12 training and poll worker training, voter education. Those are</p> <p>13 the topics that were agreed to on such short notice.</p> <p>14 MS. WESTFALL: Agreed to in the passive voice.</p> <p>15 That was the defendant intervenors; that was not the attorney</p> <p>16 general. We're not a party to any such agreement. She's</p> <p>17 appearing here as a fact witness. Your instruction is contrary</p> <p>18 to the federal rules.</p> <p>19 Q. Are you aware of any research that the Secretary of</p> <p>20 State or the Elections division conducted related to Senate Bill</p> <p>21 14?</p> <p>22 MR. BRISSENDEN: I'm going to instruct the</p> <p>23 witness again not to answer.</p> <p>24 Q. You testified about drafts of poll worker training</p> <p>25 related to Senate Bill 14; is that correct?</p>





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1 A. Yes.

2 Q. How will poll workers be trained to implement Senate  
3 Bill 14 if it is precleared?

4 A. We have our online poll worker training. We have  
5 election judges' and clerks' handbooks, our conferences and any  
6 other means of communication.

7 Q. How will poll workers determine -- and have you seen  
8 the drafts at all?

9 A. No.

10 Q. Do you have a sense of what the training will look  
11 like?

12 A. No.

13 Q. Based -- have you had any meetings about the training?

14 A. None that I have been in -- a part of.

15 Q. Are you aware of whether -- of how poll workers will  
16 determine whether a photo ID presented by a voter identifies the  
17 voter?

18 A. Can you repeat the question?

19 Q. Certainly. How are poll workers going to be trained  
20 to figure out when a voter presents a photo ID whether that  
21 voter and the ID match?

22 A. Right. Through the -- those items, the online poll  
23 worker training, the conferences, the handbooks.

24 Q. Do you understand the substance of the training that  
25 will be given to poll workers in that regard?

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1 A. Will I understand it?

2 Q. No. Do you understand how poll workers will be  
3 trained to make that very important decision as to whether a  
4 voter and the ID match?

5 A. Yes. I mean, we're going to provide all the necessary  
6 information to make sure that they understand what is necessary.

7 Q. And do you understand, sitting here today, what those  
8 standards will be?

9 A. Yes.

10 Q. And how will poll workers make that decision?

11 A. Well, through the training that we provide, they're  
12 going to know what's required of the voters when they enter the  
13 polling place.

14 Q. And maybe I'm not being clear. But how -- what is  
15 your understanding of how a poll worker, when a voter walks into  
16 a polling location --

17 A. Uh-huh. Uh-huh.

18 Q. -- will figure out whether the voter and the ID match?

19 MR. BRISSENDEN: Objection, asked and answered.  
20 You may answer.

21 A. They will -- I mean, they will know what's appropriate  
22 as far as the identification goes. And if they have the proper  
23 identification, they will be allowed to vote if they are a  
24 registered voter.

25 Q. Suppose a voter comes in and has a different name on

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1 the photo ID from the name that the voter has registered to vote  
2 with and has in the poll book. What will a poll worker do at  
3 that point?

4 MR. BRISSENDEN: Objection, hypothetical, calls  
5 for speculation.

6 If you know.

7 A. I don't know.

8 Q. And if a voter walks in and the picture on the ID does  
9 not appear to be the same because the person has cut the hair,  
10 colored the hair, changed the hair, done something in  
11 appearance-wise, and it's not clear to the poll worker whether  
12 the ID and the person match, what does a poll worker do?

13 MR. BRISSENDEN: Objection, hypothetical, vague,  
14 compound, calls for speculation.

15 If you know.

16 A. I don't know.

17 Q. I believe you testified earlier about voter education  
18 on obtaining an alternative form of ID called an election  
19 identification certificate; is that correct?

20 A. Yes.

21 Q. And is it your testimony that this voter education  
22 will be targeted to populations without necessary and allowable  
23 forms of photo ID under Senate Bill 14?

24 MR. BRISSENDEN: Objection, vague.

25 A. I don't know how it will be targeted.

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1 Q. Do you know whether it's going to be targeted to the  
2 whole population or just people who may not have the forms of  
3 allowable ID?

4 A. Our office targets all -- everyone.

5 Q. So it would be just statewide, regardless  
6 of -- actually, strike that.

7 Do you think your office will make any determination  
8 about voters who do or do not have forms of allowable photo ID  
9 under the law --

10 MR. BRISSENDEN: Objection, vague, compound.

11 Q. -- before they do the voter ID program?

12 A. I don't know.

13 Q. Is there any plan to target voter ID to minority  
14 voters?

15 A. I don't know.

16 Q. Is there any plan to target voter ID to low-income  
17 voters?

18 A. I don't know.

19 MS. WESTFALL: Okay. I think we'll just take a  
20 recess right now. We'll come back in a minute. We can go off  
21 the record.

22 (Recess from 11:41 a.m. to 12:31 p.m.)

23 MS. WESTFALL: Mr. Brissenden, we've had an  
24 extended break. Have you reconsidered the position you took  
25 before the break on your instruction to the witness not to



<p style="text-align: center;">61</p> <p>1 answer questions related to tracking legislation?</p> <p>2 MR. BRISSENDEN: We have. We've discussed it and</p> <p>3 talked with Mr. Sweeten. You and I and others have had a</p> <p>4 conference about it. And at this time we're standing on the</p> <p>5 agreement that was reached among counsel about the scope of this</p> <p>6 deposition.</p> <p>7 MS. WESTFALL: And by counsel, you mean the State</p> <p>8 and counsel for the defendant intervenors; is that right?</p> <p>9 MR. BRISSENDEN: I mean all that were involved</p> <p>10 with the agreement. I myself wasn't, but others were.</p> <p>11 MS. WESTFALL: So during the break I spoke with</p> <p>12 your co-counsel, Patrick Sweeten, who indicated the State did</p> <p>13 have an agreement with some of the defendant intervenors about</p> <p>14 the scope of this deposition. And Mr. Sweeten did agree the</p> <p>15 Attorney General was not a party to that agreement.</p> <p>16 There is no dispute, and I take it you're not</p> <p>17 going to dispute now that this deposition has not been noticed</p> <p>18 pursuant to Federal Rule 30(b)(6). Ms. Salazar is appearing for</p> <p>19 her deposition today as a fact witness. And the State's not</p> <p>20 disputing the relevance of any of the questions that I've asked</p> <p>21 to the claims that the State has brought in this litigation.</p> <p>22 The final comment I want to make on the record is</p> <p>23 that I believe the instructions to the witness before the break</p> <p>24 not to answer some of these questions are in direct violation of</p> <p>25 Federal Rule 30(c)(2), which indicates that a person may</p>	<p style="text-align: center;">63</p> <p>1 as soon as possible, and specifically by the end of -- by close</p> <p>2 of business today. Thank you.</p> <p>3 (Deposition concluded at 12:34 p.m.)</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: center;">62</p> <p>1 instruct the deponent not to answer only when necessary to</p> <p>2 preserve a privilege, to enforce a limitation ordered by the</p> <p>3 Court or to present a motion under Rule 30(d)(3), none of which</p> <p>4 are applicable in this case.</p> <p>5 So from the standpoint of the Attorney General,</p> <p>6 we will leave the deposition of Ms. Salazar open and I will turn</p> <p>7 it over to counsel for the defendant intervenors.</p> <p>8 MR. VANDEWALKER: Thank you. I just want to note</p> <p>9 for the record that the last exhibit entered which, along with</p> <p>10 all the other exhibits responsive to the notice of deposition,</p> <p>11 was provided to defendant intervenors late last night after</p> <p>12 hours, took a couple of hours for us to access with the help of</p> <p>13 IT personnel. The copy of that exhibit that we have is in black</p> <p>14 and white, although we understand that the original was in color</p> <p>15 and that our copy creates some legibility issues.</p> <p>16 The witness was instructed not to answer some of our</p> <p>17 questions because of the quality of the copy that is the only</p> <p>18 copy that we have. And because of that we -- defendant</p> <p>19 intervenors reserve the right to reopen -- rather, defendant</p> <p>20 intervenors don't want the deposition to close. We reserve the</p> <p>21 right to recall Ms. Salazar once we get a color copy of that</p> <p>22 exhibit and are able to ask her the questions that we want to</p> <p>23 ask her about it.</p> <p>24 And I would note that we request from the State</p> <p>25 of Texas that we be provided with a color copy of that exhibit</p>	<p style="text-align: center;">64</p> <p>1 CHANGES AND SIGNATURE</p> <p>2</p> <p>3 WITNESS NAME _____ DATE OF DEPOSITION _____</p> <p>4 PAGE LINE CHANGE REASON</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p> <p>25 _____</p>



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I, LETICIA ANN SALAZAR, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

LETICIA ANN SALAZAR

THE STATE OF TEXAS )  
COUNTY OF TRAVIS )

Before me, \_\_\_\_\_, on this day personally appeared LETICIA ANN SALAZAR known to me (or proved to me under oath of through \_\_\_\_\_) (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_.

NOTARY PUBLIC IN AND FOR  
THE STATE OF

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on \_\_\_\_\_ to the witness or to the attorney for the witness for examination, signature and return to me by \_\_\_\_\_;

That the amount of time used by each party at the deposition is as follows:

Mr. Vandewalker - 01:29

Mr. Westfall - 00:31

That pursuant to information given to the deposition officer at the time said testimony was taken the following includes counsel for all parties of record:

Mr. Brissenden, Attorney for Plaintiff

Ms. Westfall, Attorney for Defendant

Mr. Vandewalker, Attorney for Defendant-Intervenor

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Certified to by me this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

*Amy Kofron*  
Amy C. Kofron, Texas CSR #6352

Expiration Date: 12/31/2013  
Esquire Deposition Solutions  
100 Congress Avenue, Suite 2020  
Austin, Texas 78701

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS, )  
Plaintiff, )

V. )

ERIC H. HOLDER, JR., )  
in his official capacity )  
as Attorney General of )  
the United States, )  
Defendant. )

ERIC KENNIE, et al., )  
Defendant-Intervenor, )

TEXAS STATE CONFERENCE ) CASE NO. 1:12-CV-00128  
OF NAACP BRANCHES, et al., ) (RMC-DST-RLW)  
Defendant-intervenor, ) Three-Judge Court

TEXAS LEAGUE OF YOUNG )  
VOTERS EDUCATION FUND, et al., )  
Defendant-Intervenor, )

TEXAS LEGISLATIVE BLACK )  
CAUCUS, et al., )  
Defendant-Intervenor, )

VICTORIA RODRIGUEZ, et al., )  
Defendant-Intervenor. )

REPORTER'S CERTIFICATION  
DEPOSITION OF LETICIA ANN SALAZAR  
June 14, 2012

I, Amy C. Kofron, Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following:  
That the witness, LETICIA ANN SALAZAR, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness;

That the deposition transcript was submitted



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